

**RECEIVED**  
**CENTRAL FAX CENTER**

MAY 24 2004

LAW OFFICES  
**LEYDIG, VOIT & MAYER, LTD.**  
TWO PRUDENTIAL PLAZA, SUITE 4900  
CHICAGO, ILLINOIS 60601-6780

TELEPHONE: (312) 616-5600

FACSIMILE: (312) 616-5700 (G3)  
(312) 849-0495 (G4)

**FACSIMILE COVER SHEET**

DATE: MAY 24, 2004

NUMBER OF PAGES (INCLUDING  
THIS TRANSMITTAL COVER SHEET): 14

OUR REFERENCE: 218748

FROM: JOHN KILYK, JR.  
REGISTRATION NO. 30,763

DIRECT LINE: 312-616-5600

TO: MAIL STOP 313(c)  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C.

TELEPHONE NUMBER:  
FACSIMILE NUMBER: (703) 872-9306

IN RE APPLN. OF: KAWAKAMI ET AL.  
APPLICATION NO. 09/898,860  
FILED: JULY 3, 2001  
FOR: MELANOMA ANTIGENS AND THEIR USE IN DIAGNOSTIC  
AND THERAPEUTIC METHODS  
GROUP ART UNIT: 1642  
EXAMINER: S.J. HUFF

**ATTACHED: PETITION TO WITHDRAW APPLICATION FROM ISSUE**  
**WITH CERTIFICATE OF FACSIMILE TRANSMISSION (2 PGS. IN DUPLICATE)**  
**NOTICE OF DRAWING INCONSISTENCY (2 PGS.)**  
**RCE TRANSMITTAL (1 PG IN DUPLICATE)**  
**AMENDMENT (5 PGS.)**

A confirmation copy of the transmitted document will:

☒ Not be sent. This will be the only form of delivery of the transmitted document.

The information contained in this facsimile transmission is intended only for the use of the individual or entity named above and those properly entitled to access to the information and may contain information that is privileged, confidential, and/or exempt from disclosure under applicable law. If the reader of this transmission is not the intended or an authorized recipient, you are hereby notified that any unauthorized distribution, dissemination, or duplication of this transmission is prohibited. If you have received this transmission in error, please immediately notify us by telephone or facsimile. Thank you.

**PATENT**  
Attorney Docket No. 218748  
Client Reference No. E-057-1994/2-US-04

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Appln. of:

Kawakami et al.

Application No. 09/898,860

Art Unit: 1642

Filed: July 3, 2001

Examiner: S.J. Huff

For: MELANOMA ANTIGENS AND THEIR  
USE IN DIAGNOSTIC AND  
THERAPEUTIC METHODS

**SPECIAL PROCEDURES SUBMISSION**

**PETITION PURSUANT TO 37 CFR § 1.313(c) TO  
WITHDRAW AN APPLICATION FROM ISSUE**

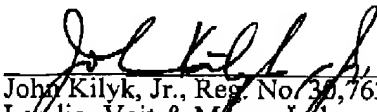
Mail Stop 313(c)  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In response to the Notice of Drawing Inconsistency with Specification dated April 23, 2004, a copy of which is enclosed herewith, Applicants petition to withdraw this application from issue pursuant to 37 CFR 1.313(c) and submit the appropriate fee pursuant to 37 CFR 1.17(h). Applicants also submit a Request for Continued Examination, an Amendment, and the appropriate fee pursuant to 37 CFR 1.17(e).

The Commissioner is authorized to charge any extension of time fees pursuant to 37 CFR 1.17(a)-(d) associated with this communication and to credit any excess payment to Deposit Account No. 12-1216. A duplicate copy of this petition is attached for this purpose.

Respectfully submitted,

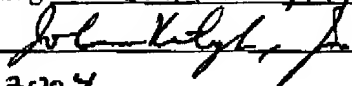
  
John Kilyk, Jr., Reg. No. 30,763  
Leydig, Voit & Mayer, Ltd.  
Two Prudential Plaza, Suite 4900  
180 North Stetson Avenue  
Chicago, IL 60601-6780  
Telephone: (312) 616-5600  
Facsimile: (312) 616-5700

Date: May 24, 2004

In re Appln. of Kawakami et al.  
Application No. 09/898,860

**CERTIFICATE OF FACSIMILE TRANSMISSION**

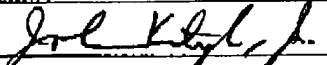
I hereby certify that this Petition to Withdraw from Issue (along with any documents referred to as attached or enclosed) is being transmitted by facsimile to the United States Patent and Trademark Office, Attention: Examiner S.J. Huff, Art Unit 1642, Facsimile Number (703) 872-9306, on the date indicated.


Name of Person Signing: John Kilyk, Jr.  
Signature   
Date: May 24, 2004

<p align="center"><b>REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL</b></p> <p>Address to: Mail Stop RCE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450</p>	<b>Application No.</b>	09/898,860
	<b>Filing Date</b>	July 3, 2001
	<b>First Named Inventor</b>	Kawakami
	<b>Group Art Unit</b>	1642
	<b>Examiner Name</b>	S.J. Huff
	<b>Attorney Docket No</b>	218748

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

<b>1. Submission required under 37 CFR 1.114</b>		
<p>a. <input type="checkbox"/> Previously submitted</p> <p>i. <input type="checkbox"/> Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on (Any unentered amendment(s) referred to above will be entered.)</p> <p>ii. <input type="checkbox"/> Consider the arguments in the Appeal Brief or Reply Brief previously filed on</p> <p>iii. <input type="checkbox"/> Other:</p> <p>b. <input checked="" type="checkbox"/> Enclosed</p> <p>i. <input checked="" type="checkbox"/> Amendment/Reply</p> <p>ii. <input type="checkbox"/> Affidavit(s)/Declaration(s)</p> <p>iii. <input type="checkbox"/> Information Disclosure Statement (IDS)</p> <p>iv. <input type="checkbox"/> Form PTO-1449</p> <p>v. <input type="checkbox"/> Copies of References listed in Form PTO-1449 (except for U.S. patents and applications)</p> <p>vi. <input checked="" type="checkbox"/> Other: Petition to Withdraw from Issue and Notice of Drawing Inconsistency</p>		
<b>2. Miscellaneous</b>		
<p>a. <input type="checkbox"/> Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period of months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)</p> <p>b. <input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27</p> <p>c. <input type="checkbox"/> Other:</p>		
<b>3. Fees</b> The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.		
<p>a. <input checked="" type="checkbox"/> Please charge Deposit Account No. 12-1216 in the total amount indicated below. A duplicate copy of this transmittal sheet is enclosed herewith.</p> <p>i. <input checked="" type="checkbox"/> RCE fee of \$770.00 (large entity) required under 37 CFR 1.17(e)</p> <p>ii. <input type="checkbox"/> One-month extension of time fee of \$110.00 (37 CFR 1.136 and 1.17)</p> <p>iii. <input type="checkbox"/> Petition for an extension of time for the period noted above, as well as for any additional period necessary to render the present submission timely. Please charge Deposit Account No. 12-1216 for the appropriate petition fee.</p> <p>iv. <input type="checkbox"/> Suspension of action fee of \$130.00 (37 CFR 1.17(i))</p> <p>v. <input checked="" type="checkbox"/> Other: Fee for Petition to Withdraw from Issue (37 CFR 1.313(c))</p> <p align="right"><b>Total amount to be charged to Deposit Account</b></p>		<p align="right">130.00</p> <p align="right">900.00</p>
b. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any deficiencies in the above fees or to credit any overpayments to Deposit Account No. 12-1216		

<b>SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED</b>			
<b>Name (Print/Type)</b>	John Kilyk, Jr.	<b>Registration No. (Attorney/Agent)</b>	30,763
<b>Signature</b>		<b>Date</b>	May 24, 2004
<b>Address</b>	Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780	<b>Phone</b>	(312) 616-5600 (telephone) (312) 616-5700 (facsimile)

<b>CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8</b>			
I hereby certify that this RCE Transmittal is, on the date indicated below, <input type="checkbox"/> being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or <input checked="" type="checkbox"/> being facsimile transmitted to the U.S. Patent and Trademark Office, Attention: Examiner S.J. Huff, Art Unit 1642. Facsimile Number (703) 872-9306.			
<b>Name (Print/Type)</b>	John Kilyk, Jr.		
<b>Signature</b>		<b>Date</b>	May 24, 2004

**REQUEST  
FOR  
CONTINUED EXAMINATION (RCE)  
TRANSMITTAL**

Address to:  
Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Application No.	09/898,860
Filing Date	July 3, 2001
First Named Inventor	Kawakami
Group Art Unit	1642
Examiner Name	S.J. Huff
Attorney Docket No	218748

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application.

**1. Submission required under 37 CFR 1.114**

- a. ☐ Previously submitted
- i. ☐ Consider the amendment(s)/reply under 37 CFR 1.116 previously filed on  
(Any unentered amendment(s) referred to above will be entered.)
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on
- iii. ☐ Other:
- b. ☒ Enclosed
- i. ☒ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Form PTO-1449
- v. ☐ Copies of References listed in Form PTO-1449  
(except for U.S. patents and applications)
- vi. ☒ Other: Petition to Withdraw from Issue and  
Notice of Drawing Inconsistency


**2. Miscellaneous**

- a. ☐ Suspension of action on the above-identified application is requested under 37 CFR 1.103(c) for a period  
of months. (Period of suspension shall not exceed 3 months; fee under 37 CFR 1.17(i) required.)
- b. ☐ Applicant claims small entity status. See 37 CFR 1.27
- c. ☐ Other:

**3. Fees** The RCE fee under 37 CFR 1.17(e) is required by 37 CFR 1.114 when the RCE is filed.

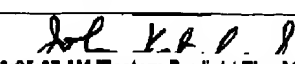
- a. ☒ Please charge Deposit Account No. 12-1216 in the total amount indicated below. A  
duplicate copy of this transmittal sheet is enclosed herewith.
- i. ☒ RCE fee of \$770.00 (large entity) required under 37 CFR 1.17(e)
- ii. ☐ One-month extension of time fee of \$110.00 (37 CFR 1.136 and 1.17)
- iii. ☐ Petition for an extension of time for the period noted above, as well as for any  
additional period necessary to render the present submission timely. Please charge  
Deposit Account No. 12-1216 for the appropriate petition fee.
- iv. ☐ Suspension of action fee of \$130.00 (37 CFR 1.17(i))
- v. ☒ Other: Fee for Petition to Withdraw from Issue (37 CFR 1.313(c))
- Total amount to be charged to Deposit Account** 130.00  
900.00
- b. ☒ The Commissioner is hereby authorized to charge any deficiencies in the above fees or to  
credit any overpayments to Deposit Account No. 12-1216

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT REQUIRED**

Name (Print/Type)	John Kilyk, Jr.	Registration No. (Attorney/Agent)	30,763
Signature		Date	May 24, 2004
Address	Leydig, Voit & Mayer, Ltd. Two Prudential Plaza, Suite 4900 180 North Stetson Avenue Chicago, Illinois 60601-6780	Phone	(312) 616-5600 (telephone) (312) 616-5700 (facsimile)

**CERTIFICATE OF MAILING OR TRANSMISSION UNDER 37 CFR 1.8**

I hereby certify that this RCE Transmittal is, on the date indicated below, ☐ being deposited with the United States Postal Service as first class mail  
in an envelope addressed to: Mail Stop RCE Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or ☒ being facsimile  
transmitted to the U.S. Patent and Trademark Office, Attention: Examiner S.J. Huff, Art Unit 1642, Facsimile Number (703) 872-9306.

Name (Print/Type)	John Kilyk, Jr.	Date	May 24, 2004
Signature			



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

218748  
Ellen M.

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/898.860	07/03/2001	Yotaka Kawakami	2026-4124US5	7029
23460	7590	04/23/2004		
<b>LEYDIG VOIT &amp; MAYER, LTD</b> TWO PRUDENTIAL PLAZA, SUITE 4900 180 NORTH STETSON AVENUE CHICAGO, IL 60601-6780				
			EXAMINER	
			HUFF, SHEELA JITENDRA	
			ART UNIT	PAPER NUMBER
			1642	

DATE MAILED: 04/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

LEYDIG, VOIT & MAYER  
RECEIVED

APR 27 2004

PRIORITY Due Date

5/23/04 (final)

ARH

LAH

**UNITED STATES PATENT AND TRADEMARK OFFICE**UNDER SECRETARY OF COMMERCE FOR INTELLECTUAL PROPERTY AND  
DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED

APR 22 2004

PATENT Due Date

ARR

**NOTICE OF DRAWING INCONSISTENCY WITH SPECIFICATION**

The drawings filed 10-10-01 have been received. However, an inconsistency exists between the drawings and the Brief Description of the Drawings in the specification.

Figures 7A-7B 8A-8D are listed in the Brief Description of the Drawings in the specification but not contained in the Drawings.

Figures \_\_\_\_\_ are contained in the Drawings but not listed in the Brief Description of the Drawings in the specification.

Applicant is required to correct the above-noted inconsistency within a time period of **ONE MONTH or THIRTY (30) DAYS, whichever is longer**, from the mailing date of this Notice, or within the time remaining in the time period set forth in the Notice of Allowability (Form PTOL-37) to file corrected drawings, whichever is longer. **NO EXTENSION OF THIS TIME PERIOD MAY BE GRANTED UNDER EITHER 37 CFR 1.136 (a) OR (b)**

Failure to correct the above noted inconsistency will result in abandonment of the application.

The file will be held in the Publishing Division to await the correction of the inconsistency.

**Return Corrected Drawings/Specification to:**

Mail Stop Issue Fee  
Commissioner for Patents  
P.O. Box 1450

Alexandria, VA 22313-1450

Office of Patent Publication/Publishing Division

Customer Service: 703-308-6789  
1-888-786-0101

FORM PTO-1631 (REV. 10-03)

KLAN